

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

KEITH OWENS,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 3:22-cv-394–HEH
)	
HAROLD CLARKE,)	
)	
Respondent.)	

**MEMORANDUM OPINION
(Dismissing Action)**

Keith Owens (“Owens”), a Virginia state prisoner proceeding *pro se* brings this petition pursuant to 28 U.S.C. § 2254 (“§ 2254 Petition,” ECF No. 4) challenging his conviction in the Circuit Court of Brunswick County, Virginia (“Circuit Court”). By Memorandum Opinion and Order entered on October 26, 2022, the Court denied Owen’s request for a stay. (ECF Nos. 23, 24.) Instead, the Court ordered that, within ninety (90) days of the date of entry thereof, Owens must provide the Court with an update of the status of his habeas proceedings in the Supreme Court of Virginia. The Court also ordered that, within thirty (30) days of the conclusion of his state habeas proceedings, Owens must complete and submit a new standardized form for filing a § 2254 petition that specifically identifies each conviction that he challenges and contains all of the claims he wishes to raise. The Court warned that the failure to comply with either of the above directives would result in a dismissal of the action without prejudice.

More than ninety (90) days have elapsed and Owens has not provided the Court with an update of his state habeas proceedings. Owens's failure to comply with the Court's directives warrants dismissal of the action. Accordingly, the action (ECF No. 4) will be dismissed. A certificate of appealability will be denied.

If Owens would like to pursue a petition pursuant to 28 U.S.C. § 2254, he may submit the standardized form after he has completed his state court proceedings. Any § 2254 petition will be opened as a new civil action.

An appropriate order shall issue.

It is so ORDERED.



/s/

Henry E. Hudson
Senior United States District Judge

Date: Feb. 27, 2023
Richmond, Virginia